

C. Remarks

The claims are 20-22, with claim 20 being the sole independent claim.

Claims 17-19 have been cancelled. New claims 20-22 have been added. Claim 20 is essentially based on cancelled claim 17, maintaining structural formulas (9), (11), (29), (33), (34) and (42)-(49), with the latter five structural formulas redrawn in accordance with Example Compound Nos. 795, 798 and 803-805. Claims 21 and 22 are based on cancelled claims 18 and 19. No new matter has been added. Consideration of the new claims is expressly requested.

Claims 17-19 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

Since claims 17-19 have been cancelled, this rejection is moot and should be withdrawn. Furthermore, since structural formula (28) has been omitted from the new claims and structural formulas (45)-(49) have been redrawn in accordance with Example Compound Nos. 795, 798 and 803-805, this rejection is not applicable to the new claims.

Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent Application Publication No. 2002/0019782 A1 (Igarashi).

Without acquiescence, and solely to expedite prosecution, the rejected claims have been cancelled. Accordingly, this rejection is moot and should be withdrawn.

The new claims are based on structural formulas (9), (11), (29), (33), (34) and (42)-(49), which were deemed free of the prior art. Accordingly, Applicants respectfully submit that claims 20-22 are patentable over Igarashi.

Claims 17-19 stand provisionally rejected under the doctrine of obviousness-type double patenting over claims 12-16 of co-pending Application No. 10/090,836.

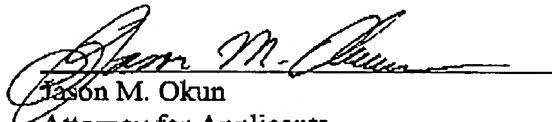
This rejection concerns only structural formulas (39)-(41) in claim 17.

Accordingly, since claim 17 has been cancelled and the new claims do not include structural formulas (39)-(41), this rejection cannot be maintained.

Wherefore, Applicants respectfully request that all rejections be withdrawn, that the new claims be allowed and that the present case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Jason M. Okun
Attorney for Applicants
Registration No.: 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 431630v1